



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,701	03/09/2001	David Greene	1991-00100	6900

23505 7590 06/08/2004

CONLEY ROSE, P.C.
P. O. BOX 3267
HOUSTON, TX 77253-3267

EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,701

Applicant(s)

GREENE ET AL

Examiner

Stefano Karmis

Art Unit

3624

ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

• Art Unit: 3624

DETAILED ACTION

1. The following communication is in response to Applicant's response filed on 15 March 2004.

Status of Claims

2. Claims 1-18 have been left as originally filed. Therefore claims 1-18 are under prosecution in this application.

Summary of this Office Action

3. Applicant's response filed on 15 March 2004 has been fully considered and discussed in the next section below or within the following rejection. Claims 1-18 are rejected based on the prior art cited below and Applicant's request for allowance is respectfully denied at this time.

Response to Arguments

4. Applicant's arguments, with respect to the rejection(s) of claim(s) 1-18 under Weiss et al. U.S. Patent 5,866,889 in view of Schein et al. U.S. Patent 6,226,623 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Chow et al. US Publication 2002/0156720. Applicant's arguments with respect to claim 1-18 have been considered but are moot in view of the new ground(s) of rejection.

• Art Unit: 3624

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 6-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Chow et al. (hereinafter Chow) U.S. Publication 2002/0156720.

Regarding independent claim 6, Chow discloses a trading system that comprises: at least one computer coupled to a network and configured to maintain a brokerage account database (page 2, paragraph 0013 and Figure 1); at least one computer coupled to the network and configured to use a plurality of web page templates to service web page requests received over the network (page 5, paragraph 0030), wherein the web page templates are configured to implement a real-time account opening process that establishes new brokerage accounts in a brokerage database (page 1, paragraph 0011-0012 and page 4, paragraph 0028).

Claim 7, account opening includes: obtaining contact information; creating a new record in the brokerage account database reflecting said contact information; obtaining brokerage account application information; updating said new record in accordance with said brokerage

• Art Unit: 3624

account application information; displaying a brokerage account contract; and securing online agreement to said brokerage account contract (page 4, paragraph 0025, page 5, paragraph 0030 and Figures 9-11).

Claim 8, after securing said online agreement, obtaining funding information relating to a financial account; automatically initiating a transfer of funds from said financial account; and updating the new record with a buying power greater than zero (page 4, paragraph 0026, page 5, paragraph 0031 and Figure 8).

Claim 9, displaying a confirmation page indicating successful completion of the real-time account opening process (Figure 12).

Claim 10, the financial account is a checking account (page 5, paragraph 0031 and Figure 8).

Claim 11, the financial account is a credit card account (page 5, paragraph 0031 and Figure 8).

Claim 12, securing is accomplished by an electronic signature (page 5, paragraph 0030).

Art Unit: 3624

Claim 13, the electronic signature consists of selection by an individual of an option labeled "I Agree" and displayed in proximity to said brokerage account contract and in proximity to name of said individual (Figure 9).

Claim 14, the web page templates are further configured to implement a trading order placement process (Figure 12).

Claim 15, at least one computer coupled to the network and configured to execute a principalling process on new brokerage accounts in the brokerage account database (page 4, paragraph 0023).

Claim 16, principalling includes obtaining an account type selection; providing a list of new brokerage accounts having the selected account type; obtaining an individual status designation for each of the brokerage accounts listed, wherein said designation is indicative of acceptance or non-acceptance of the brokerage accounts; obtaining a password; and if the password is valid, updating records of the new brokerage accounts to reflect the individual status designations (page 4, paragraph 0027 and page 5, paragraph 0031).

Claim 17, the principalling process includes storing application information of accepted new brokerage accounts on archival media (page 3, paragraph 0020 and page 5 paragraph 0035).

• Art Unit: 3624

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al. (hereinafter Chow) U.S. Publication 2002/0156720 in view of Buist U.S. Patent 6,408,282.

Art Unit: 3624

Regarding independent claim 1, Chow teaches a system and method for processing a brokerage account application comprising: remotely providing account application information to an online brokerage (page 4, paragraph 0025); electronically signing an account agreement (page 5, paragraph 0030); authorizing a real-time transfer of funds (page 5, paragraph 0031 and Figure 8). Chow further teaches placing an online trading order (page 1, paragraph 0012, page 7, Claim 12, and Figure 2). Chow fails to teach an abbreviation for a publicly traded company when placing an online order. Buist teaches a method for online trading in which an orders are placed using the abbreviated stock symbol for a publicly traded corporation (column 9, line 42 thru column 10, line 25). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention that the teachings of Chow could have modified to include using an abbreviation for a publicly traded corporation when performing an online trade as taught by Buist in order to have an efficient trading system. There is sufficient motivation to combine the teachings of Chow and Buist, both teach a method for trading including remotely opening an account with a broker and performing real-time trading through the use of websites associated with the broker.

Claim 2, the real time transfer of funds is an automated clearinghouse transfer from a checking account (page 5, paragraph 0031 and Figure 8).

Claim 3, the real time transfer of funds is a credit card charge (page 5, paragraph 0031 and Figure 8).

• Art Unit: 3624

Claim 4, electronically signing includes possessing authority to contract on behalf of a named individual; and selecting an agreement indicator displayed adjacent to the account agreement, wherein the account agreement specifies said named individual (page 5, paragraph 0031 and Figures 9-11).

Claim 5, the agreement indicator is one of a plurality of indicators displayed adjacent to said account agreement, wherein the plurality of indicators includes a delectable disagreement indicator (Figure 9).

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al. (hereinafter Chow) U.S. Publication 2002/0156720.

Claim 18, Chow fails to specify at least one computer coupled to the network and configured to execute a fraud checking process on new brokerage accounts in the brokerage account database. Official Notice is taken that checking for fraud is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Chow to include checking for fraud in the accounts because it provides an efficient security measure for all parties involved so that transactions are not tampered with and accord to the intentions of those involved with the transaction.

Art Unit: 3624

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


a) Breen et al., US Patent 6,615,188 Sep. 2, 2003. Online Trade Aggregating System.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
27 May 2004


HANI M. KAZIMI
PRIMARY EXAMINER